

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

Jennifer Tiffany Kush,

Plaintiff,

v.

Nancy A. Berryhill
Acting Social Security
Commissioner,

Defendant.

Civil Action No. 18-cv-01162

(Chief Judge Conner)

MEMORANDUM

Plaintiff filed an appeal of an adverse decision on her Social Security Disability Claim by Complaint (Doc. 1) filed June 7, 2018. On August 27, 2018, Defendant filed its Answer (Doc. 4) and the Transcript of the Record of Proceedings before the Social Security Administration (Doc. 5). The filing of the Answer and Transcript triggered Plaintiff's responsibility to file its brief within 45 days. (See Standing Practice Order in Social Security Appeals, (Doc. 2 at ¶ 4).

On October 9, 2018, the last day of the 45 day period in which Plaintiff could timely file her brief, Plaintiff's counsel filed, with Defendant's concurrence, a Motion to Extend (Doc. 6) the deadline for filing her brief until November 30, 2018. By Order dated October 11, 2018, this Court granted Plaintiff's motion. (Doc. 7).

It is now two months past the date when Plaintiff was required to file her brief in the extended period. The docket reflects that no brief has been received from the Plaintiff and the Court has not received any additional requests for a

further extension. Paragraph 7 of the Court's Standing Practice Order (Doc. 2) states, in pertinent part:

No extensions of time will be permitted without a specific order of the court. Furthermore, failure of the plaintiff to comply with paragraph 4 of this order relating to the filing of a supporting brief will result in the dismissal of the case for failure to prosecute and abide by a court order. Noncompliance of the plaintiff with paragraph 4 will result in dismissal without any further warning from the court.

Consistent with paragraph 7 of the Court's Standing Practice Order, the Court now determines that Plaintiff is noncompliant with paragraph 7 and, as a result, this case will be dismissed. An Order consistent with this determination will be filed contemporaneously.

/S/ CHRISTOPHER C. CONNER
Christopher C. Conner, Chief Judge
United States District Court
Middle District of Pennsylvania

Dated: February 1, 2019